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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF ARIZONA  
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8 United States of America,  
9 Plaintiff,

10 v.  
11 Ana Valdez,

12 Defendant.

13 } CR-08-598-09-PHX-JAT

} FINDINGS AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE  
UPON A PLEA OF GUILTY  
AND ORDER

14 Upon Defendant's request to enter a plea of Guilty pursuant to Rule 11 of the  
15 Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge  
16 by the District Court and came on for hearing before U.S. Magistrate Judge Edward C.  
17 Voss on June 16, 2009 with the written consents of the Defendant, counsel for the  
18 Defendant, and counsel for the United States of America.

19 In consideration of that hearing and the statements made by the Defendant under  
20 oath on the record and in the presence of counsel, and the remarks of the Assistant  
21 United States Attorney and of counsel for Defendant,

22 (A) I FIND as follows:

23 (1) that Defendant understands the nature of the charge against him  
24 to which the plea is offered;

25 (2) that Defendant understands his right to trial by jury, to persist in  
26 his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine  
27 adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and defendant understands that the sentencing guidelines are only advisory and that the court is free to exercise its discretion to impose any reasonable sentence allowed by law;

(4) that the plea of Guilty by the Defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises apart from the plea agreement between the parties;

(5) that Defendant is competent to plead guilty;

(6) that the Defendant understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that the Defendant understands that by pleading guilty he waives the right to a trial, the right to a direct appeal, and the right to a collateral attack; and

(8) that there is a factual basis for the Defendant's plea;

and further,

(B) I RECOMMEND that the plea of guilty to Count 28 of the Indictment be accepted subject to the Court's acceptance of the plea agreement which shall remain lodged with the Court pending Judge Teilborg's decision whether to accept or reject the plea agreement after review of the presentence report.

## ORDER

IT IS ORDERED that any objection(s) to the guilty plea proceedings and any request(s) for supplementation of those proceedings be made by the parties in writing and shall be specific as to the objection(s) or request(s) made. All objections or requests for supplementation shall be filed within ten (10) days of the date of service of a copy of these findings unless extended by an Order of the assigned district judge.

IT IS FURTHER ORDERED that any letters, documents, or other matters defendant would like the sentencing judge to consider before sentencing (including the English translation of any writings not in English) must be submitted in paper form with the original to the probation office and copies to the sentencing judge and opposing

1 counsel no later than seven (7) business days prior to the sentencing date or they may  
2 be deemed untimely by the sentencing judge and not considered. (ECF Manual, II §  
3 N at 24)

4 IT IS FURTHER ORDERED that any motions for upward or downward departures  
5 or any sentencing memoranda must be filed at least seven (7) business days prior to  
6 the sentencing date. Responses are due three (3) business days prior to the  
7 sentencing date. Any motion to continue the sentencing date shall be filed at least three  
8 (3) business days prior to the sentencing date.

9 DATED this 16th day of June, 2009.  
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13 Edward C. Voss  
14 United States Magistrate Judge  
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25 Copies to: AUSA, Defense Counsel  
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